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Policy on stakeholder engagement in the United Nations Environment Programme

(Working draft as at 19 June 2014)

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Note

This policy was prepared by the secretariat of the United Nations Environment Programme (UNEP) pursuant to Governing Council decision 27/2 on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, adopted by the Governing Council of UNEP at its first universal session, held in Nairobi from 18 to 22 February 2013. That decision called for the active participation of all relevant stakeholders, particularly those from developing countries, to be ensured, drawing on best practices and models from relevant multilateral institutions, and for new mechanisms to be explored to promote transparency and the effective engagement of civil society in the work of the governing body of the United Nations Environment Programme and that of its subsidiary organs, building on best practices in multilateral organizations.*

This policy therefore sets forth the proposed new mechanisms for the promotion of transparency and the effective engagement of civil society with the Assembly and its subsidiary organs, to be submitted to the Assembly at its first session, to be held in Nairobi from 23 to 27 June 2014.

* This policy builds on best practices of stakeholder engagement in multilateral organizations. The secretariat of UNEP prepared a *Review of Current Practices of Stakeholder Engagement in Multilateral Organizations*, released in July 2013, as called for by Governing Council decision 27/2 (http://www.unep.org/civil-society/Portals/24105/documents/resources/stakeholder_engagement/Review_of_current_practices_of_stakeholder_engagement_in_multilateral_organisations_30July_2013.pdf).

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1. Background

1. The participation of stakeholders in the work of the United Nations Environment Programme (UNEP) is rooted in Principle 10 of the Rio Declaration on Environment and Development and in paragraph 88 (h) of the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", which calls for "the active participation of all relevant stakeholders, drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society" within the framework of its decision on strengthening the role of the United Nations Environment Programme as the leading global environmental authority.[1]

2. Paragraph 7 of decision 27/2 of the UNEP Governing Council on the implementation of paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, adopted by the Governing Council at its first universal session in February 2013, mandates the governing body to ensure the active participation of all relevant stakeholders, particularly those from developing countries, drawing on best practices and models from relevant multilateral institutions and to explore new mechanisms to promote transparency and the effective engagement of civil society in its work and that of its subsidiary organs, inter alia by:

(a) Developing by 2014 a process for stakeholder accreditation and participation that builds on the existing rules of procedure and takes into account inclusive modalities of the Commission of Sustainable Development and other relevant United Nations bodies;

(b) Establishing by 2014 mechanisms and rules for stakeholders' expert input and advice;

(c) Enhancing by 2014 working methods and processes for informed discussions and contributions by all relevant stakeholders towards the intergovernmental decision-making process.

3. While input from stakeholders can provide a valuable contribution to the intergovernmental process, decision-making within UNEP remains the prerogative of member States. This policy is intended to facilitate the effective engagement of stakeholders in the work of the United Nations Environment Assembly of the United Nations Environment Programme and that of its subsidiary organs, and in the work of UNEP. The policy provides a set of principles and guidance to UNEP, its staff and stakeholders, and is intended to enhance practices in working and dealing with stakeholders in both routine and special circumstances, and to facilitate the effective engagement of stakeholders in the governance of UNEP. The policy will be accompanied by an implementation handbook, which will be drafted upon approval of the policy.[2]

4. The policy is aligned with all relevant UNEP and United Nations rules and regulations, as well as with the guidelines and initiatives relating to United Nations cooperation with stakeholders.[3] It further builds on General Assembly resolution 67/290 on the format and organizational aspects of the High-level Political Forum on Sustainable Development.

[1] General Assembly resolution 66/288, annex.

[2] The policy will be complemented by an implementation handbook, determining the operational and self-organization modalities of the Major Groups and Stakeholders Mechanism, which will be developed by the UNEP secretariat in an open and transparent manner upon approval of the policy.

[3] Several reference documents guide the work of UNEP and the United Nations in working with stakeholders. These include the following: "Guidelines for participation of major groups and stakeholders in policy design at UNEP" (August 2009) (http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/Guidelines-for-CSO-participation-Aug2609.pdf); "UNEP and indigenous peoples: a partnership in caring for the environment" (November 2012) (http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/UNEP_Indigenous_Peoples_Policy_Guidance_endorsed_by_SMT_26_11_12.pdf); "UNEP guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters" (February 2010) (http://www.unep.org/civil-society/Portals/24105/documents/Guidelines/GUIDELINES_TO_ACCESS_TO_ENV_INFO_2.pdf); "Guidelines on cooperation between UNEP and business" (March 2004); "Guidelines on cooperation between the United Nations and the business community" (July 2000); and the UNEP partnership policy and procedures (September 2011).

Purpose of the policy

5. The outcome document of the United Nations Conference on Sustainable Development called in several instances[4] for strengthened public participation, access to information and access to justice in environmental matters, and underlined the importance of partnerships with civil society in achieving the ambitions of its outcome document.

6. UNEP engages with civil society to benefit from its wide knowledge and experience in sustainable development and its involvement in UNEP processes and activities in keeping the environment under review and setting the global environmental agenda; in developing and implementing policies and programmes; and in improving environmental decision-making, as intergovernmental decisions will have broader recognition by and support from the public if the views of stakeholders are taken into account in the agenda-setting, policymaking, decision-making and implementation processes.

7. Civil society stakeholders often provide a way to channel the voices of those most likely to be affected by environmental problems and related policies, calling attention to emerging environmental problems, taking account of the interests of future generations and reaching out to society and the public at large.

2. The policy

A. Guiding principles

8. In accordance with the outcome document of the United Nations Conference on Sustainable Development, and taking into account the principles adopted by major groups and stakeholders at the Global Major Groups and Stakeholders Forum in February 2013, prior to the first universal session of the Governing Council of UNEP, this policy is founded on the following principles:[5]

8.1. Acknowledgement of the intergovernmental nature of UNEP processes, as set out in paragraph 3 above

8.2. Participation in decision-making processes

UNEP will grant participation and access privileges to all accredited stakeholders, consistent with the rules and practices governing its work. UNEP may also use social media and new information technology to foster broader participation.

8.3. Access to information

It is critically important to disseminate and make accessible the information concerning its work or information generated through its programme as widely as possible. Transparency, accountability, and openness can become a catalyst for achieving a greater impact. In particular in the context of Principle 10 of the Rio Declaration on Environment and Development, it is of fundamental importance to make available relevant information to stakeholders and the public in general.

8.4. Transparency and accountability for mutual benefit

Engagement with major groups and stakeholders is based on the premise of mutual trust and benefit, transparency, responsibility and accountability.

8.5. Respect for diversity of views and self-organization

UNEP acknowledges the diversity of views among its stakeholders and, in striving for greater openness and with a view to embracing the full spectrum of civil society actors, including the UNEP national committees, will ensure that those differing voices are heard, including those outside the nine major groups.

[4] In the outcome document, extensive reference is made to the involvement of civil society and stakeholders (see, for example, paras. 42 to 55 on engaging major groups and other stakeholders). In addition, paragraph 99 reads: "We encourage action at the regional, national, subnational and local levels to promote access to information, public participation and access to justice in environmental matters, as appropriate

[5] *Principles on Stakeholder Participation in UNEP*, adopted at the fourteenth Global Major Groups and Stakeholders Forum, 17 February 2013 (http://www.unep.org/civil-society/Portals/24105/documents/GMGSF/GMGSF%2014/Stakeholder_participation_principles/Participation_and_Transparency_11_principles_as_adopted.pdf).

8.6. Improvements to current engagement practices

UNEP will promote continuous improvement of its current practices, including opportunities for exploring innovative mechanisms, without regression and with regard to current practice.

B. Definition of stakeholders

9. UNEP applies the nine major groups approach, based on the categories of stakeholders as outlined in Agenda 21 and as noted in Governing Council decision SS.VII/5 of 15 February 2002.

10. UNEP therefore recognizes as stakeholders the nine major groups: farmers (including small-scale farmers, fisherfolks, pastoralists and foresters);[6] women; the scientific and technological community (including research and academia); children and youth; indigenous peoples and their communities; workers and trade unions; business and industry;[7] non-governmental organizations; and local authorities.

10.bis. UNEP recognizes the particular importance of environmental non-governmental organizations within the non-governmental organizations major group. UNEP will promote the participation of other stakeholders, such as local communities; volunteer groups and foundations; migrants and families; older persons; and persons with disabilities through the nine major groups.

C. Accreditation criteria and process

11. Accreditation is the main prerequisite for stakeholder participation in the governance of UNEP. Stakeholders, as referred to in paragraph 9 above, seeking observer status with the Assembly and its subsidiary organs must be accredited according to the process set out below.

12. Accreditation will be granted to stakeholders meeting the [following] criteria [as set out in the Rules of procedure.] [contained in the rules of procedure.]:

1. [Being legally constituted] as a not-for-profit entity in a given country;

   [Ensure that their own aims and purposes shall be in conformity with the spirit, purposes and principles of the Charter of the United Nations;]

   [It should ensure, to the extent possible, participation of stakeholders from all regions, and particularly the developing countries, in order to help achieve a just, balanced, effective and genuine involvement of stakeholders from all regions and areas of the world.] (suggest to move to the section on guiding principles)

   [regional balance, manage the number of accredited stakeholders]

2. Having been constituted for more than two years;

3. Having a [track record and [credentials]] [proven] interest in environmental issues; [or sustainable development;]

4. Having a national or international scope of activities.

13. Accreditation with the United Nations Economic and Social Council [and/or multilateral environmental agreements]

Stakeholders accredited with the United Nations Economic and Social Council [and/or with multilateral environmental agreements having equivalent accreditation criteria [, for which UNEP serves as Secretariat]] and who provide sufficient proof of such accreditation will receive UNEP accreditation upon request.

14. Accreditation procedures

Stakeholders seeking accreditation shall forward all relevant documents, including the following, to the UNEP secretariat:

(a) Letter requesting accreditation, printed on the official stationery of the organization;

(b) Copy of the constitution, charter, statutes or by-laws of the organization and any amendments to those documents;

(c) List of affiliates;

(d) Proof of interest or experience in the environment; [or sustainable development;]

(e) Detailed account of the scope of the activities of the organization

[6] Abstracts from General Assembly resolution 66/288, annex, paras. 43, 52 and 53.

[7] "Business and industry" refers to business associations which have a not-for-profit status, not individual private companies.

15. The UNEP secretariat will review the requests and notify applicants of their accreditation. The entire review process will take no longer than three months. The list of accredited organizations will be submitted to the regular session of the Assembly [for review].

[15.bis. The term of accreditation of the stakeholders is six years and it can be renewed for other terms. The Secretariat of UNEP, before each open-ended meeting of the Committee of the Permanent Representatives (OECPR), shall prepare a list of stakeholders seeking accreditation or the renewal of their term.]

[15.ter. A consultation process, upon request, between the concerned member-states and the secretariat regarding the fulfilment of the accreditation criteria shall take place for one month after the OECPR concludes its meetings. [and the further action on such accreditation after the consultation should be made on the non-country objection basis.]

[15.quater. After the expiration of the aforementioned consultation period, the secretariat shall submit to the assembly for adoption at the beginning of its session, the list of Non-governmental organisations and other stakeholders which fulfil the criteria mentioned above.]

[15 ALT – Option 1: The UNEP Secretariat will review the requests against the accreditation criteria and prepare a list of those organisations which comply with these criteria. This list will be circulated among the UNEA members no later than one month before the Open ended CPR session. If a member has a concern about the fulfilment of the accreditation criteria by a particular organisation, it shall inform the UNEA members why this member believes that the organisation does not meet the criteria. The member shall engage in consultations with the Secretariat, and the Secretariat shall inform the members about that decision, and the reason for that decision at the Open ended CPR.]

[15 ALT – Option 2:

1. The term of accreditation of the stakeholders is 6 years and it can be renewed.

2. The UNEP Secretariat will review the requests for accreditation or renewed accreditation against the accreditation criteria, prepare a list of NGOs and other stakeholders which comply with these criteria, and notify applicants and Members accordingly. The list [which shall confer interim accreditation] shall be circulated to all UNEA member states no later than 4 months before the UNEA session. During these subsequent four months until the following UNEA session, the [full] [meaningful] engagement of the new applicants contained in the above mentioned list, is facilitated.

[Any applicant whose request has been declined shall have the opportunity to respond.]

3. If a Member State has a concern about the fulfilment of the accreditation criteria by a particular NGO or stakeholder, it shall communicate this to the Secretariat, which shall inform the other member states and the applicant involved about this concern and the reasons for that concern. That Member state and any other Member state with a concern relating to the fulfilment of the criteria shall engage in consultations with the Secretariat, and the Secretariat shall fully inform the members of the UNEA about the result of these consultations no later than 3 months before the UNEA session.

4. The Secretariat shall submit the list of NGOs and relevant stakeholders to be accredited [, and no concerns have been raised during the consultation] for endorsement by the subsequent Assembly by consensus. ~~[In the event that consensus cannot be reached, any Member state that was engaged in the consultation may propose a change to the list for consideration and adoption of a decision at the first day of the session of UNEA. [If this decision is not adopted, the list as submitted by the Secretariat will be deemed adopted.]~~

5.-[The Assembly will decide [by a majority][8] on whether the applicants on whom a member state still has a concern after the consultation period, will be accredited or not.] [If this decision is not adopted, the list as submitted by the Secretariat will be deemed adopted.]

Accreditation Criteria:

1. [Being legally constituted] [Recognized] as a not-for-profit entity in a given country;
2. Having been constituted for more than two years;
3. Having a proven interest [or] [and] a record of activities in environmental or sustainable development issues
4. Having national or international scope of activities.]

[8] Reference to Rule 48

[15 ALT – Option 3:

1. [The aims and purposes of the stakeholders engagement with the UNEA shall be in conformity with the spirit, purposes and principles of the Charter of the United Nations.] The term of accreditation of the stakeholders is 6 years and it can be renewed.

2. The UNEP Secretariat will review the requests for accreditation or renewed accreditation against the accreditation criteria, prepare a list of NGOs and other stakeholders which comply with these criteria, and notify applicants and member states accordingly. The list shall be circulated to all UNEA member states no later than 4 months before the UNEA session.

3. During these subsequent four months until the following UNEA session, the [full] and [meaningful] engagement of the new applicants contained in the above mentioned list shall be facilitated.

[4. The Secretariat shall submit the list of NGOs and relevant stakeholders having fulfilled the criteria for accreditation for endorsement by the Assembly by consensus.]

5. If a member state has a concern about the fulfilment of the accreditation criteria by a particular NGO or stakeholder, it shall communicate this to the Secretariat, [no later than [three] [two] months before UNEA] which shall inform the other member states and the applicant involved about this concern and the reasons for that concern. [Those applications on which no member state has expressed a concern within that period are considered accredited by the Assembly by consensus.]

6. That member state or any other member state with a concern relating to the fulfilment of the criteria shall engage in consultations with the Secretariat, and the Secretariat shall fully inform the members of the Assembly about the results of these consultations no later than [3] [1] [2] month[s] before the UNEA session. Any applicant whose request has been declined shall have the opportunity to respond.

7. In the case of an application on which a member state still has a concern following the consultation process [, the UNEA of UNEP may make suitable arrangements for consultation with non-governmental organisations which are concerned with matters within its competence. Such arrangements may be made with international organisations and where appropriate national organisations after consultation with the member of the United Nations concerned][9], the Assembly will take a decision [by a majority of the members present and voting][10] [by a three-fourth majority] on that application on an individual basis at the beginning of the UNEA session.]

16. Accreditation is not a requirement for participation in the implementation of projects, programmes or partnerships. Participation modalities in the implementation of such projects, programmes or partnerships are set out in the UNEP partnership policy.

D. Privileges of accredited stakeholders

17. While retaining the intergovernmental character of the Assembly and its subsidiary organs, accredited stakeholders will have the opportunity to participate in the governance of UNEP and to work at two levels: on agenda-setting processes and on policymaking and decision-making processes.

18. All accredited stakeholders shall enjoy the same privileges, which shall include the following:

(a) Accredited stakeholders may participate in all public meetings of the Assembly and its subsidiary organs, in accordance with the relevant rules of procedure. Should participation in a particular meeting be restricted, an advanced notification will be issued. The UNEP secretariat will provide accredited stakeholders with the dates, venue and agenda of the meetings in a timely manner;

(b) UNEP will convene a multi-stakeholder dialogue during the session of the Assembly in accordance with paragraph 5 (e) of Governing Council decision 27/2. The secretariat will provide accredited stakeholders with the dates, venue and agenda of the meetings in a timely manner;

(c) Designated seats will be reserved for major groups and stakeholders in all public meetings of the Assembly and its subsidiary organs. Major groups and stakeholders will designate their representatives according to criteria to be set out in the implementation handbook that will support this policy;

[9] Article 71 of the United Nations Charter

[10] Article 67/2 of the United Nations Charter

(d) Accredited stakeholders will have access to documents publicly available on the UNEP websites and portals; official documents and reports of UNEP; and documentation related to the work of the Assembly and its subsidiary organs, including pre-session and in-session documents made available in public meetings. The UNEP secretariat will make every effort to provide access to such documents in a timely manner, using electronic and other modern information systems to facilitate delivery. Accredited stakeholders will be granted access to relevant information portals [, according to the UNEP policy on access to information]. The UNEP secretariat will ensure that input received from major groups and stakeholders will be made available on the relevant web portals;

(e) Accredited stakeholders will be able to make written submissions to the Assembly and its subsidiary organs, in accordance with the relevant rules of procedure. Such submissions may include contributions and recommendations for agenda items of sessions of the Assembly and its subsidiary organs and recommendations on the subject matter of draft decisions for consideration by member States. Such contributions and recommendations may be submitted to the UNEP secretariat for distribution to member States in time for consideration by the relevant body. The UNEP secretariat will make such submissions available to member States, using electronic means whenever possible;

(f) Accredited stakeholders may be invited to make statements during public meetings of the Assembly and its subsidiary organs, in accordance with the relevant rules of procedure. Session presidents or chairs are encouraged to provide opportunities for accredited stakeholders to speak on topics of interest in such public meetings;

(g) Accredited stakeholders may be invited to participate in relevant regional consultations conducted by UNEP.

E. Responsibilities and obligations of accredited stakeholders

19. All accredited stakeholders shall have the same obligations, which shall include the following:

(a) Accredited stakeholders will be expected to act in accordance with the present policy and the relevant rules of procedure for any meeting or session which they attend;

(b) Accredited stakeholders will comply with the registration requirements and seating arrangements for any meeting or session which they attend. Meeting and session organizers will make every effort to have sufficient seating available for stakeholders during open sessions, so as to facilitate their participation. In situations where seating is limited, stakeholders may be asked to designate representatives to occupy the available seats, in accordance with the procedures laid out in the implementation handbook, to be developed by the UNEP secretariat in consultation with major groups and stakeholders;

(c) Accredited stakeholders will provide the secretariat with a biennial communication outlining their activities in the field of the environment during the previous two years. This communication may be in the form of the annual report of the organization or may be a separate document prepared specifically to comply with this reporting requirement.

3. Other matters

A. Major Groups and Stakeholders Forum

20. Prior to each session of the Assembly and the open-ended meeting of the Committee of Permanent Representatives, UNEP will facilitate the organization of a Major Groups and Stakeholders Forum that will provide an opportunity for accredited stakeholders to consolidate their views and prepare their input to the Assembly and its subsidiary organs.

21. Member States and representatives of international organizations may participate in the Major Groups and Stakeholders Forum as observers. Major groups and stakeholders are encouraged to submit the main outcomes of such meetings in writing to the Assembly, through the UNEP secretariat, on the first working day of the Forum.

B. Major Groups and Stakeholders Mechanism

22. Accredited stakeholders may form stakeholder bodies or other groups to organize their contributions and facilitate their participation in UNEP processes. While self-organized, such bodies

must adhere to the principles of transparency, responsibility and accountability, and respect the diversity of views among stakeholders on all issues.[11]

C. Use of information and communications technology to enhance effective participation

23. The use of modern information and communications technology will enhance the effective participation of stakeholders in a cost-effective manner. In addition to physical presence at meetings, virtual and online participation will also be made possible through webcasting of relevant meetings of the Assembly and its subsidiary organs, UNEP events, information platforms and discussion forums in accordance with the rules of procedure and the related access to information policy.

D. Participation of non-accredited stakeholders

24. While retaining the intergovernmental nature of the Assembly and its subsidiary organs, the president of the Assembly or the chairperson of a subsidiary organ, in consultation with the relevant bureaux, may invite a non-accredited organization or individual, on the basis of their competency, expertise and experience, to meetings of the Assembly and its subsidiary organs for a specific task or purpose, in accordance with the existing rules of procedure.

25. Organizers of other UNEP meetings may invite non-accredited stakeholders, on the basis of their competency, expertise and experience, to participate in panels or thematic discussions on topics of relevance, as appropriate.

E. Consultations with the bureaux of the United Nations Environment Assembly and its subsidiary organs

26. [The bureaux of the Assembly and its subsidiary organs may hold informal consultations with representatives of accredited stakeholders on specific items of mutual interest relating to [Assembly processes] [procedural matters].

F. Funding

27. Funding for stakeholder participation will be accounted for in the UNEP programme of work and budget. UNEP will endeavour to mobilize adequate funding including through extrabudgetary resources, to support stakeholder participation, particularly from developing countries.

28. Member States are invited to provide financial resources or take other initiatives to support participation of stakeholders, particularly those from developing countries, in relevant processes.

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[11] As set out in paragraph 3 of this report, the policy will be complemented by an implementation handbook, which will contain the operational and self-organization modalities of the Major Groups and Stakeholders Mechanism. The handbook will be developed by the UNEP secretariat in an open and transparent manner, and comments will be invited from member States, including with regard to budgetary implications.